

# **LINCOLN PLANNING BOARD**

**NOVEMBER 18, 2009**

## **APPROVED**

The regular meeting of the Planning Board was held on Wednesday, November 18, 2009, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, Timothy Griffin, Kenneth Bostic and John Hunt. Also in attendance were Town Planner Albert Ranaldi, and Joelle C. Sylvia for the Town Solicitor. Russell Hervieux kept the minutes.

The following members were absent from this meeting: Wilfred Ordonez, Michael Reilly and Greg Mercurio Jr.

Chairman Olean advised that four members were present; have quorum.

## **CONSENT AGENDA**

Chairman Olean reminded members that the consent agenda has seven zoning applications and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

**Motion was made by member Griffin to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.**

## **MAJOR LAND DEVELOPMENT REVIEW**

### **a. MacColl Field YMCA AP 25 Lots 58,68,69,71 Master Plan**

**The YMCA of Pawtucket, Inc. Breakneck Hill Road Discussion/Approval**

**Mr. Ranaldi stated that this application had a public informational hearing at last month's meeting. This application is at a master plan land development stage. This applicant is scheduled to go to the Zoning Board next month. This Board has until December 31, 2009 to make a decision on master plan. The applicants are present to answer any questions from the Board. Chairman Olean stated that all the information requested at last month's meeting is in the Board members packets for tonight's meeting. Ms. Sylvia reminded the Chairman that this applicant would need the vote of all four Board members present tonight to approve master plan. Member Hunt had a question about the TRC report. The report indicates that the applicant will provide offsite improvements at their own expense if necessary. Member Hunt would like the words "if necessary" removed from that statement. Mr. Ranaldi stated that those words were a typographical error and will be removed from the report.**

**Bob Oster, attorney for the applicant, made a brief statement. Mr. Oster stated this application needs to move forward as this client has no control as to how quickly the State will act on the traffic concerns. Chairman Olean questioned Mr. Oster if he objected to taking the words “if necessary” out of the TRC report as the upgrades will have to be performed. Mr. Oster stated that he had no objections.**

**Motion made by member Griffin to approve master plan land development based on the TRC report with the words “if necessary” under the section of sanitary sewers removed. The motion was seconded by member Bostic. The motion was approved by all four members present.**

## **MAJOR SUBDIVISION REVIEW**

### **a. Special Care Facility AP 41 Lot 44 Recommendation to Town Council**

**H.L. George Development Corp. Albion Road Bond Release**

**Mr. Ranaldi stated that this application is a recommendation to Town Council to release the bond on this project. This project came in as an age 55 and over condominiums on Albion Road and the second part of that project was a special care facility on the adjacent lot. The facility was constructed and Albion Road has had the top coat of finish asphalt applied from the intersection of George Washington**

**Highway to this special care facility. The road has been reviewed and approved by the Town Planner along with the Town Engineering Department. Therefore, the TRC recommends that the Board release the bond for this road.**

**Motion made by member Bostic to accept the TRC recommendations to release the bond to the applicant was seconded by member Hunt. Motion was approved by all members present.**

## **PETITION FOR AMENDMENT TO ZONING MAP**

### **a. 616 George Washington Highway AP 41 Lot 60 Recommendation to Town Council**

**Estate of Dr. Juanito Abanilla George Washington Highway**

**Mr. Ranaldi stated that this is an interesting application. This applicant received a zone change in 1990 from a residential lot to a commercial lot. There were fifteen conditions of approval attached to this zone change. One of the more stringent conditions was that no retail food sales could be performed past 7:00 pm. The other conditions were reviewed by the Town Planner and Zoning Official and found that they were covered under the zoning ordinance and did not need to be specific conditions. The applicant, with advice from the Town Solicitor, is requesting to amend the zoning map to remove the conditions and leave this lot in the commercial BL-0.5 zone. The TRC reviewed this application feels our zoning ordinance as updated**

protects the area and this request is consistent with the Town Comprehensive Plan. The TRC recommends that this Board send a positive recommendation to the Town Council on this zone map change.

Motion made by member Griffin to accept the TRC recommendation and send a positive recommendation to the Town Council. The motion was seconded by member Hunt. Motion was approved by all members present.

## **SECRETARY'S REPORT**

The Board was given one set of minutes to review. They are for October 28, 2009. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Joelle Sylvia requested to make a brief statement to the Board about new law. Ms. Sylvia stated that a law was passed on November 9, 2009 that states that all projects that are not expired are now tolled until June 30, 2011. This Board will not see a request for an extension until after that time. This applies for planning and zoning applications. Chairman Olean requested a further explanation of this.

Ms. Sylvia stated that all projects are automatically extended until June 30, 2011 as long as they are valid as of November 9, 2009. This law was passed because of the current economic conditions. A list of

**these projects affected must be posted outside the Town Clerk's office. The Town Solicitor reads the law to say that all projects will be up for extensions in July 2011 unless they are completed. Ms. Sylvia will provide the Board members with a copy of this law. The Town Planner will supply the Board members with a copy of a list of projects that this law affects.**

**Motion made by member Griffin to dispense with the reading of the October 28, 2009 minutes and accept them as presented was seconded by member Bostic. Motion was approved by all members present.**

**Motion was made by member Griffin to adjourn was seconded by member Hunt at 7:20 pm. Motion was approved by all members present.**

**Respectfully submitted,**

**November 13, 2009**

**Town of Lincoln – Planning Board  
100 Old River Road  
Lincoln, RI 02865**

**Dear Honorable Members,**

**On November 10, 2009, at 3:00 pm, the Technical Review Committee met to review the agenda items for the November 18, 2009 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Timothy Griffin, and Peggy Weigner. Below are the Committee's recommendations.**

**Major Land Development Review**

**a. MacColl Field YMCA AP 25 Lots 58,68,69,71 Master Plan Land**

## **Development**

### **- The YMCA of Pawtucket, Inc. Breakneck Hill Road Discussion / Approval**

**This application is under the 2005 Subdivision Regulations and represents the development of a residential lot. The proposed project is a new 40,000 square foot YMCA recreational building with associated parking. The new YMCA recreational building will be serviced by public water and a private force main sewer. A use variance will be required from the Zoning Board.**

**On July 15, 2009, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. The applicant consented to an extension of the review period to December 31, 2009. Therefore, a decision on the master plan review must be made by December 31, 2009, or within such further time as may be consented to by the applicant.**

**The Technical Review Committee and the Engineering Division has reviewed the above proposed development according to the Land Development and Subdivision Regulations master plan submission requirements and standard engineering practices. The submission includes a set of plans entitled "Overall Site Plan – Master Plan Submission" dated September 2009, "Proposed Site Plan" dated June 2009 (sheets K-1 and C-1-C-5), and "Proposed Site Circulation Plan**

**Submitted to RIDOT” dated June 2009, prepared for the YMCA by Caputo and Wick Ltd., dated September 2009. A “Traffic Impact and Access Study, Proposed Facility Expansion Project, MacColl Field YMCA” prepared by the above engineers for the applicant dated November 2008 had been previously submitted. A State of Rhode Island and Providence Plantations, Inter Office Memo, dated September 4, 2009, a letter dated November 2, 2009 from the Lime Rock Fire District, a project narrative dated November 2009 from aiDesigns Ltd., and another project narrative from MacColl Field YMCA dated November 2009 was submitted. Below are the TRC’s comments.**

### **Water Service**

**The applicant will need to expand their existing public water service. According to a letter sent to the YMCA in 2006, the development will need to meet new requirements for a master meter/ backflow installation. The applicant has recently contacted the water superintendent of the Lincoln Water Commission (LWC) about the development. Preliminary approval from LWC must be a condition of approval for the land development. Any submission for water service has to be reviewed and approved by the Lincoln Water Commission prior to construction.**

### **Sanitary Sewers**

**It is proposed to connect the entire complex to the public sewers via an onsite pump station and forcemain down Breakneck Hill Road to**

an existing gravity line. The property owner's sanitary sewer system, both onsite and in Breakneck Hill Road, will be the responsibility of the property owner to construct, own, operate and maintain, not the Town. This gravity sewer discharges to a pump station on East Butterfly Way. The Public Works Department requires the existing pump station on East Butterfly Way to be rebuilt in order to accommodate the flows from the project as a condition of approval. The pump station cannot accommodate the increased flows.

The existing pump station at Butterfly Estates must be upgraded prior to any construction at the site. The construction plans, including, but not limited to resizing of the pumps, wet well and modification of other appurtenances will need to be coordinated, reviewed and approved by the sewer supervisor. A generator will be required. The YMCA has been in discussion with another developer on AP 25 Lot 15 to coordinate and share the costs of forcemain trench excavation and the pump station upgrade. However, according to testimony presented at the August Planning Board meeting, the YMCA will provide this offsite improvement solely at their own expense if necessary. A sewer connection permit is required by the Town as well as approval from the Narragansett Bay Commission and approval from RIDOT to install the line in the state road.

### **Drainage/ Wetlands**

The site drains generally northwest away from Breakneck Hill Road, flowing eventually into the Moshassuck River. The plans show several onsite storm water detention basins and underground

**systems. The applicant has proved that there is space on site to accommodate the required storm water mitigation structures. The final storm water mitigation plan will be reviewed at the preliminary plan stage. The applicant will be responsible for the operation and maintenance of the proposed storm water detention basins.**

### **Traffic/ Site Plan**

**The development requires a Physical Alteration Permit from RIDOT as well as an agreement with the abutting property owner of the office building on AP 25 Lot 168. The Lime Rock Fire District must review the site plan for adequate access for fire equipment.**

**There is a concern with traffic delays and accidents in this area. The Breakneck Hill Road (State Route 123) and Route 146 intersection is listed on the RI Department of Transportation (RIDOT) High Hazard Intersection Program. Vehicles access the YMCA from three points on Route 123, including the new driveway, a shared access with the adjacent office buildings. Buses also use a graveled parking area which has a wide separate opening onto the road.**

**The “Traffic Impact and Access Study” describes the poor levels of service on Route 123 at the intersections with the ramps for Route 146 north and south, as well as the conditions at the new driveway under proposed build out of both the YMCA and the adjoining office buildings. Analyses were made for three alternatives including off site signalization at the ramps and the new driveway (by the office buildings) and a no off site improvements alternative.**

**The final recommendations in the report only mention a signal at the**

**new driveway, not at the ramps. Other recommendations include a daily scheduled closing of an interior road, tree trimming, a “signal ahead” sign, police traffic control at events, and interior circulation and signage.**

**The Technical Review Committee met with the traffic engineers during it September’s Technical review Committee meeting. According to the traffic engineer, the RIDOT is in the process of evaluating the issues associated with the roadway and the options to mitigate these issues. However, the roadway configuration is complicated and will take time. It is estimated that it will take RIDOT 5 – 10 years before any work is done in this area. With this timeline in mind, the YMCA chose to develop the recommendations of an internal circulation plan that would include a daily scheduled closing of an interior road, tree trimming, a “signal ahead” sign, police traffic control at events, and interior circulation and signage. On September 4, 2009, the RIDOT concurred in writing with the above internal circulation plan proposed by the YMCA. See a copy of the enclosed RIDOT letter.**

**Based on the Master Plan submission, the Technical Review Committee feels that all of the concerns noted above will be addressed by the applicant during the preliminary plan review stage of this project. Therefore, the TRC recommends Master Plan Approval.**

### **Major Subdivision Review**

**a. Special Care Facility AP 41 Lot 44 Recommendation to Town**

## **Council**

### **- H.L.George Development Corp. Albion Road Bond Release**

**On August 3, 2006, this major subdivision project received Final Plan approval. The project consists of a senior residential condominium complex and a Special Care Facility. As a condition of approval, one of the developers were to install an asphalt overlay onto Albion Road after all the underground utilities were installed.**

**The asphalt overlay and any miscellaneous items were installed. The project was inspected and approved by the Engineering Department. Therefore, the TRC recommends the approval of the release of the applicant's bond. If approved, this recommendation will be given to the Town Council for consideration at their next meeting.**

### **Petition for Amendment to Zoning Map**

#### **a. 616 George Washington Highway AP 41 Lot 60 Recommendation to Town Council**

##### **- Estate of Dr. Juanito Abanilla George Washington Highway**

**According to Section 20-342 of the Town of Lincoln's Code of Ordinances, the Planning Board must study and offer recommendations to the Town Council for all zone changes. The Planning Board's recommendation must be made in accordance with Section 20-343 of the Code of Ordinances which states: "Among its findings and recommendations to the town council with respect to a**

**proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the Planning Board shall:**

- 1. Include a statement on the general consistency of the proposal with the comprehensive plan of the town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and**
- 2. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, presented in Article 1 of this chapter.**

**The proposed zone change amendment for the above referenced property (Assessor's Plat 41 Lot 60) is to remove all zoning restrictions assigned to the property when the original zoning amendment was approved in 1991. See enclosed copy of restrictions.**

**The property is located at the corner of Albion Road and George Washington Highway. There are twelve restrictions.**

**The Technical Review Committee objectively reviewed the proposed zone change application against the requirements of the existing Zoning Ordinance. The TRC determined that all but one restriction is covered and enforceable under the existing Zoning Ordinance. The one restriction that is not covered by our ordinance is the restriction that "Any food service on the premise would not serve food or admit patrons after 7:00 PM. The TRC discussed this restriction and felt that it is not applicable to the area. It was noted that all of the existing food service businesses within the area are allowed to serve food after 7:00 PM.**

**The Technical Review Committee objectively reviewed the proposed zone change application against the Land Use and Housing elements of the 2005 Comprehensive Plan. The Technical Review Committee recommends Approval of this application. The TRC finds that the application is consistent with the general and specific goals and policies of the Comprehensive Plan. The project will eliminate all restrictions applied to the original Zoning amendment request. Attached is a full recommendation to the Planning Board from the Technical Review Committee according to the requirements of Section 20-342 of the Town of Lincoln's Code of Ordinances.**

#### **Zoning Applications (\*) – December's Zoning Applications**

**YMCA of Pawtucket, Inc., 660 Roosevelt Avenue, Pawtucket, RI – Application for Use Variance for the construction of a new indoor/outdoor recreation facility on property located at MacColl YMCA, 26 Breakneck Hill Road, Lincoln, RI.**

**AP 25, Lots 48/58/68/69/71 Zoned: RA 40**

**Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application for a use variance for the construction of a new indoor/outdoor recreational facility on property located at MacColl YMCA, 26 Breakneck Hill Road, Lincoln, RI. The property is currently utilized as a local YMCA facility that offers both indoor and outdoor recreational opportunities. The TRC feels that the**

**proposed indoor/outdoor recreation facility would be an excellent addition to the current facility. The TRC feels that the application presents a realistic site layout that takes into consideration the need for pedestrian safety. The TRC feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.**

**Bala & Jayne Sundaram, 16 Harris Avenue, Lincoln, RI – Application for Dimensional Variance seeking front and side yard setbacks for the construction of an addition.**

**AP 27, Lot 34 Zoned: R 40**

**This Zoning Board application was postponed to the December meeting by the applicant.**

**MH I II LLC, 914 Hartford Turnpike, Waterford, CT/640 GWH LLC, 640 George Washington Highway, Lincoln, RI – Application for Extension of Decision rendered on October 6, 2008.**

**AP 31, Lot 12 Zoned: ML 0.5**

**Members of the Technical Review Committee reviewed the submitted application for extension of a decision rendered on October 6, 2008. The Technical Review Committee recommends Approval of the time extension. According to §260-71 of the Zoning Ordinance, the Zoning**

**Board may, upon written request of the applicant, for good cause shown, extend the decision of the applicant for a period not to exceed six months.**

**BAM Realty, LLC, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit for the operation of an Indoor recreational activity/martial arts studio for property located at 40 Walker Street, Lincoln, RI.**

**AP 2, Lots 84/96 Zoned: MG 0.5**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of the Special Use Permit for the operation of an Indoor recreational activity/martial arts studio for property located at 40 Walker Street. The application shows that parking will be located within the existing parking area. The Technical Review Committee feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan. However, the TRC would like to see the applicant clarify the number of existing parking spaces provided for the uses that existing within the building and also to explain their arrangement for shared parking for the martial arts studio.**

**Robert & Caitlyn Choiniere, 1134 Great Road, Lincoln, RI – Application for Use Variance to allow a mixed use of commercial and residential for property located at 1132 Great Road, Lincoln, RI under 260-9N of the zoning ordinance.**

**AP 31, Lot 146 Zoned: RS 20/RA 40**

**Members of the Technical Review Committee visited the site and reviewed the submitted application. The Technical Review Committee recommends Denial of the application for a use variance to allow a mixed use of commercial and residential for property located at 1132 Great Road. The Technical Review Committee feels that the application does not meet any of the standards for relief of a use variance as presented in the Zoning Ordinance. More specifically, the Technical Review Committee feels that the application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The property is located within an area of Town that is characterized as completely residential. No commercial business entities exist within the general area. The TRC feels that the proposed commercial use requires a variety of commercial equipment and the operation and storage of this type of equipment is completely out of character for this residential area.**

**Robert & Caitlyn Choiniere, 1134 Great Road, Lincoln, RI – Application for Use Variance for commercial off street parking for**

**business vehicles on property located at 1132 Great Road, Lincoln, RI.**

**AP 31, Lot 146 Zoned: RS 20/RA 40**

**Members of the Technical Review Committee visited the site and reviewed the submitted application. The Technical Review Committee recommends Denial of the application for a use variance for commercial off street parking for business vehicles on property located at 1132 Great Road. The Technical Review Committee feels that the application does not meet any of the standards for relief of a use variance as presented in the Zoning Ordinance. More specifically, the Technical Review Committee feels that the application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The property is located within an area of Town that is characterized as completely residential. No commercial business entities exist within the general area. The TRC feels that the proposed commercial use requires a variety of commercial equipment and the operation and storage of this type of equipment is completely out of character for this residential area.**

### **Comprehensive Permit**

**Almeida Multi-Family AP 5 Lot 26      Advisory Recommendation to  
Planning Board**

**- Joseph Almeida, Jr. 1683–1685 Lonsdale Avenue, Lincoln, RI**

**Zoning Board to review this application and offer an advisory opinion to the Planning Board.**

**Correspondence/Miscellaneous (\*)**

**a. Staff Reports**

**b. Sayles Mill Realty, LTD AP 2 Lots 87 and 88 Administration Plan  
Approved**

**c. Letter from Charter Review Advisory Commission**

**Respectfully submitted,**

**Albert V. Ranaldi, Jr. AICP**

**Albert V. Ranaldi, Jr. AICP**

**Administrative Officer to the Planning Board**

**Russell Hervieux**